

Exhibit 40

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Baucus, Grassley Seek Answers about Opioid Manufacturers' Ties to Medical Groups

Finance Leaders Investigate Whether Pharmaceutical Companies Encouraged Non-Profit Beneficiaries to Promote Misleading Information about Narcotic Painkillers

Washington, DC – Senate Finance Committee Chairman Max Baucus (D-Mont.) and senior Committee member Chuck Grassley (R-Iowa) initiated an investigation today into the connections of drug manufacturers Purdue Pharma, Endo Pharmaceuticals, and Johnson & Johnson with medical groups and physicians who have advocated the increased use of narcotic painkillers, or opioids. The Senators also asked seven other medical groups to produce information about their financial ties and collaborations with opioid manufacturers. In letters sent to each yesterday, Baucus and Grassley requested documents and financial information from the companies and noted that deaths resulting from opioid overdoses have recently skyrocketed, growing nearly 400 percent between 1999 and 2008, the most recent

year data was available. They also highlighted news reports suggesting the increase may be driven by misinformation and dubious marketing practices used by the pharmaceutical companies and the medical organizations they fund.

“Overdoses on narcotic painkillers have become an epidemic, and it’s becoming clear that patients aren’t getting a full and clear picture of the risks posed by their medications,” Baucus said. **“When it comes to these highly-addictive painkillers, improper relationships between pharmaceutical companies and the organizations that promote their drugs can put lives at risk. These painkillers have an important role in health care when prescribed and used properly, but pushing misinformation on consumers to boost profits is not only wrong, it’s dangerous.”**

“The problem of opioid abuse is bad and getting worse,” Grassley said. **“Something has to change. A greater understanding of the extent to which drug makers underwrite literature on opioids is a good start. Doctors and patients should know if the medical literature and groups that guide the drugs’ use are paid for by the drugs’ manufacturers and if so, how much. Education on the proper use of pain medication is a key step in preventing abuse and misuse, so it’s important to understand what material is out there.”**

The Centers for Disease Control and Prevention have declared overdoses from opioid painkillers to be a public health epidemic. Deaths from painkiller overdoses have tripled over the last decade and led to the deaths of 14,800 Americans in 2008, exceeding those caused by heroin and cocaine combined. The increase in deaths from opioids has pushed drug poisoning ahead of automobile accidents to be the leading cause of accidental death in the United States.

Inquiries directed at the American Pain Foundation, the American Academy of Pain Medicine, the American Pain Society, the Center for Practical Bioethics, the Wisconsin Pain and Policy Study Group, the Joint Commission on Accreditation of Healthcare Organizations and the Federation of State Medical Boards will help to establish whether they have promoted misleading information about the risks and benefits of opioids while receiving financial support from opioid manufacturers.

Baucus and Grassley have conducted oversight on fraud against the nation's health care programs and sponsored legislation to improve the government's ability to fight fraud. They released a report last fall detailing tactics used by home health companies meant to increase their profits by gaming Medicare. Earlier last year, when their investigation found that the drug company Sanofi interfered in the approval of generic alternatives to its blood-thinner drug Lovenox, the Finance leaders called on the Food and Drug Administration (FDA) to help guarantee consumers have access to affordable generic medications. The previous December, Baucus and Grassley released a report detailing the relationship between Abbott labs and a Maryland doctor who allegedly implanted nearly 600 unnecessary cardiac stents into his patients, costing the federal government as much as \$3.8 million in overpayments. The specific stent case highlighted in the Senators' report is indicative of a widespread, national problem of unnecessary stenting. The Senators also spearheaded a two year inquiry which revealed undisclosed side effects of the diabetes drug Avandia. This resulted in the FDA restricting use of the drug, ensuring that patients and doctors have the information they need to make safe, informed decisions about their medication.

The full text of the letter to Purdue Pharma and each remaining letter are linked above.

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